

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO.

U87226, 248 04708794 GRIFFITH I IPC025.5US

18M1/0429

DARLENE A VANSTONE
IMMUNOLOGIC PHARMACEUTICAL CORPORATION
PATENT DEPARTMENT
610 LINCOLN STREET
WALTHAM MA 02154

EXAMINER

CAPUTA, A

ART UNIT

PAPER NUMBER

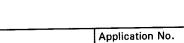
1817

DATE MAILED:

04/29/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



ication No. Applicant(s) 08/226,248

Griffith et al.

Office Action Summary	Exa
-----------------------	-----

Examiner

Anthony C. Caputa

Group Art Unit 1817



Responsive to communication(s) filed on Jan 27, 1997	·
XI This action is FINAL .	
Since this application is in condition for allowance except for for in accordance with the practice under Ex parte Quayle, 1935 C	.D. 11; 453 O.G. 213.
A shortened statutory period for response to this action is set to example solutions as a set to example solution. Failure to response to this communication. Failure to response application to become abandoned. (35 U.S.C. § 133). Extensions 37 CFR 1.136(a).	espond within the belief for response will cause the
Disposition of Claims	, , , , , , , , , , , , , , , , , , ,
X Claim(s) 1-3, 6-9, 124, 125, and 127-131	is/are pending in the application.
Of the above, claim(s)	is/are withdrawn from consideration.
X Claim(s) 1-3, 6-9, 124, and 125	is/are allowed.
Claim(s)	is/are objected to.
Claims	are subject to restriction or election requirement.
Application Papers	
See the attached Notice of Draftsperson's Patent Drawing R	Review, PTO-948.
☐ The drawing(s) filed on is/are objecte	
☐ The proposed drawing correction, filed on	is \square approved \square disapproved.
The specification is objected to by the Examiner.	
 The oath or declaration is objected to by the Examiner. 	
Priority under 35 U.S.C. § 119	
Acknowledgement is made of a claim for foreign priority un	
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the	he priority documents have been
received.	
received in Application No. (Series Code/Serial Numb	
\square received in this national stage application from the In	
*Certified copies not received:	-125 H.C.C. & 110/o
☐ Acknowledgement is made of a claim for domestic priority	under 35 U.S.C. 9 119(e).
Attachment(s)	
☐ Notice of References Cited, PTO-892	
☐ Information Disclosure Statement(s), PTO-1449, Paper No(S)
✓ Interview Summary, PTO-413 ✓ Proving Poving Pro-948	· !
☐ Notice of Draftsperson's Patent Drawing Review, PTO-948	,
☐ Notice of Informal Patent Application, PTO-152	
SEE OFFICE ACTION ON TH	IE FOLLOWING PAGES
GLE GITTOL ACTION ON THE	· · · · · · · · · · · · · · · · · · ·

Serial Number: 08/226,248 Page 2

Art Unit: 1817

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1817.

- 1. Claims 1-3, 6-9, 124, 125, and 127-131 are pending.
- 2. Claims 127-131 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicants essentially argue since claims 1-3, and 6-9 are enabled claims 124, 125, and 127-131 which these claims depend on are enabled. Applicants arguments are not persuasive. The scope of claims 127-131 are broader in scope than the claims on which they depend. However applicants arguments are sufficient to overcome the rejection over claims 124 and 125.

3. Claims 129-131 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Serial Number: 08/226,248

Art Unit: 1817

Claims 125, and 129-131 are rejected since said claims depend on claims which were canceled in the last amendment.

4. Claims 1-3, 6-9, 124, and 125 are allowed.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for response to this final action is set to expire THREE MONTHS from the date of this action. In the event a first response is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for response expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication should be directed to Dr. Anthony C. Caputa, whose telephone number is 703-308-3995. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is 703-308-0196.

Papers related to this application may be submitted to Group 1817 by facsimile transmission. Papers should be faxed to Group 1817 via the PTO Fax Center located in Crystal Mall 1. The faxing of such papers must conform with the notice published in the official Gazette 1096 OG 30 (November 15, 1989). The CMI FaxCenter number is (703)-308-4242.

Anthony C. Caputa, Ph.D. April 28, 1997

ANTHONY C. CAPUTA PRIMARY EXAMINER GROUP 1800